

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3132

By: Ownbey

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5
6 AS INTRODUCED

7 An Act relating to jurors; amending 38 O.S. 2001,
8 Section 28, as last amended by Section 1, Chapter 10,
9 O.S.L. 2009 (38 O.S. Supp. 2009, Section 28), which
10 relates to qualifications and exemptions for jury
11 duty; clarifying language; and providing an effective
12 date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 38 O.S. 2001, Section 28, as last
15 amended by Section 1, Chapter 10, O.S.L. 2009 (38 O.S. Supp. 2009,
16 Section 28), is amended to read as follows:

17 Section 28. A. It is the policy of this state that all
18 citizens qualified for jury service pursuant to this section have an
19 obligation to serve on petit juries when summoned by the courts of
20 this state, unless excused.

21 B. All citizens of the United States, residing in this state,
22 having the qualifications of electors of this state, are competent
23 jurors to serve on all grand and petit juries within their counties;
24 provided, that persons over seventy (70) years of age and persons

1 who have served as a grand or petit juror during the last two (2)
2 immediately preceding calendar years shall not be compelled to serve
3 as jurors in this state and the court may excuse or discharge any
4 juror drawn and summoned as a grand or petit juror if:

5 1. The prospective juror has a mental or physical condition
6 that causes him or her to be incapable of performing jury service.
7 The juror, or the juror's personal representative, shall provide the
8 court with documentation from a physician licensed to practice
9 medicine verifying that a mental or physical condition renders the
10 person unfit for jury service for a period of up to twenty-four (24)
11 months; or

12 2. Jury service would cause undue or extreme physical or
13 financial hardship to the prospective juror or a person under his or
14 her care or supervision. A judge of the court for which the
15 individual was called to jury service shall make undue or extreme
16 physical or financial hardship determinations. The authority to
17 make these determinations is delegable only to court officials or
18 personnel who are authorized by the laws of this state to function
19 as members of the judiciary. A person requesting to be excused
20 based on a finding of undue or extreme physical or financial
21 hardship shall take all actions necessary to have obtained a ruling
22 on that request by no later than the date on which the individual is
23 scheduled to appear for jury duty. For purposes of this section,
24 "undue or extreme physical or financial hardship" is limited to

1 circumstances in which an individual would be required to abandon a
2 person under his or her personal care or supervision due to the
3 impossibility of obtaining an appropriate substitute caregiver
4 during the period of participation in the jury pool or on the jury,
5 incur costs that would have a substantial adverse impact on the
6 payment of the individual's necessary daily living expenses or on
7 those for whom he or she provides the principle means of support, or
8 suffer physical hardship that would result in illness or disease.
9 Undue or extreme physical or financial hardship does not exist
10 solely based on the fact that a prospective juror will be required
11 to be absent from his or her place of employment. A person
12 requesting a judge to grant an excuse based on undue or extreme
13 physical or financial hardship shall be required to provide the
14 judge with documentation, such as, but not limited to, federal and
15 state income tax returns, medical statements from licensed
16 physicians, proof of dependency or guardianship, and similar
17 documents, which the judge finds to clearly support the request to
18 be excused. Failure to provide satisfactory documentation shall
19 result in a denial of the request to be excused.

20 After two (2) years, a person excused from jury service shall
21 become eligible once again for qualification as a juror unless the
22 person was excused from service permanently. A person is excused
23 from jury service permanently only when the deciding judge
24

1 determines that the underlying grounds for being excused are of a
2 permanent nature.

3 C. Persons who are not qualified to serve as jurors are:

4 1. Justices of the Supreme Court or the Court of Civil Appeals;

5 2. Judges of the Court of Criminal Appeals or the district
6 court;

7 3. Sheriffs or deputy sheriffs;

8 4. Licensed attorneys engaged in the practice of law in this
9 state;

10 5. Persons who have been convicted of any felony or who have
11 served a term of imprisonment in any penitentiary, state or federal,
12 for the commission of a felony; provided, any such citizen
13 convicted, who has been fully restored to his or her civil rights,
14 shall be eligible to serve as a juror; and

15 6. Legislators during a session of the Legislature or when
16 involved in state business.

17 D. Jailers or law enforcement officers, state or federal, shall
18 be eligible to serve on noncriminal actions only.

19 E. Upon his or her request, a person shall be exempt from
20 service as a juror if the person is:

21 1. A member of the Armed Forces of the United States who is
22 serving on active duty during a time of war or declared hostilities;

23 or

24 2. A mother who is breast-feeding a baby.

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SECTION 2. This act shall become effective November 1, 2010.

52-2-8843 EK 12/29/09